

SECOND REGULAR SESSION

HOUSE BILL NO. 1972

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McCREERY (Sponsor), LEARA, GOSEN, NEWMAN,
KIRKTON, SCHUPP, McGEOGHEGAN, SMITH (71), WALTON GRAY, MORGAN, ALLEN,
OXFORD AND ELLINGER (Co-sponsors).

5466L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to sewer service line fees.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 249.422, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 249.422, to read as follows:

249.422. 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units a fee not to exceed fifty dollars per year. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 lateral sewer line, be treated as an individual residence regardless of the number of units in the
17 development. It shall be the responsibility of the condominium owner or condominium
18 association who are of the opinion that they are not properly classified as provided in this section
19 to notify the county office administering the program. **The county office administering the**
20 **program shall bill each condominium unit separately for its proportionate share of the fee**
21 **authorized by this chapter and individual owners shall not be jointly and severally liable**
22 **for any fee assessed. A condominium association may elect to have the total fee assessed**
23 **to the association and paid from condominium association dues or other funds. The billing**
24 **procedures of this section shall be mandatory, and, if a county fails to comply, then any**
25 **fees assessed during the period of noncompliance shall be deemed waived.** Where an
26 existing sewer lateral program was in effect prior to August 28, 2003, condominium and
27 apartment units not previously enrolled may be ineligible for enrollment if it is determined that
28 the sewer lateral serving the unit is defective.

29 2. The question shall be submitted in substantially the following form:

30 Shall a maximum charge not to exceed fifty dollars be assessed annually on residential
31 property for each lateral sewer service line serving six or less dwelling units on that property and
32 condominiums that have six or less condominium units per building and any condominium
33 responsible for its own individual lateral sewer line to provide funds to pay the cost of certain
34 repairs of those lateral sewer service lines which may be billed quarterly or annually?

35 ☐ YES

☐ NO

36 3. If a majority of the voters voting thereon approve the proposal provided for in
37 subsection 2 of this section, the governing body of the city, town, village or county may enact
38 an ordinance for the collection and administration of such fee in order to protect the public
39 health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be
40 deposited in a special account to be used solely for the purpose of paying for all or a portion of
41 the costs reasonably associated with and necessary to administer and carry out the defective
42 lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to
43 the special account established for the repair of lateral sewer service lines.

44 **4. If a county office is found by a court of competent jurisdiction to have violated**
45 **the billing procedures of subsection 1 of this section by actually collecting monies from an**
46 **individual owner that are not owed to the billing municipality or to the county office, then**
47 **the county office shall be liable for all attorney fees and costs and may be ordered to pay**
48 **a civil penalty of not less than two thousand five hundred dollars to the individual owner**
49 **as compensation for the erroneous collection of fees.**

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